

# SENATE BILL REPORT

## SB 6436

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As Reported By Senate Committee On:  
Early Learning, K-12 & Higher Education, January 20, 2006  
Ways & Means, February 7, 2006

**Title:** An act relating to transferring duties of the reconstituted state board of education.

**Brief Description:** Transferring duties of the reconstituted state board of education.

**Sponsors:** Senators McAuliffe, Schmidt, Rockefeller, Eide, Weinstein and Pridemore.

**Brief History:**

**Committee Activity:** Early Learning, K-12 & Higher Education: 1/13/06, 1/20/06 [DPS-WM, DNP].

Ways & Means: 2/6/06, 2/7/06 [DP2S, DNP, w/oRec].

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### SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

**Majority Report:** That Substitute Senate Bill No. 6436 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Schmidt, Ranking Minority Member; Benton, Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schoesler and Shin.

**Minority Report:** Do not pass.

Signed by Senator Carrell.

**Staff:** Susan Mielke (786-7422)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 6436 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Rasmussen, Rockefeller, Schoesler and Thibaudeau.

**Minority Report:** Do not pass.

Signed by Senator Zarelli, Ranking Minority Member.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Brandland, Parlette and Roach.

**Staff:** Bryon Moore (786-7726)

**Background:** Last session, the Legislature passed legislation reconstituting the State Board of Education (SBE) with a new purpose, membership, and duties. The SBE retained or was given the authority and responsibility to do the following:

- Establish state minimum high school graduation requirements;
- Identify the scores that students must achieve to meet the state standards on the Washington Assessment of Student Learning;
- Adopt performance improvement goals to improve student learning;
- Adopt criteria to identify successful schools & school districts, those in need of assistance, and those in which state intervention measures will be needed;
- Identify performance incentive systems that may improve student achievement;
- Annually review the assessment reporting system; and
- Retain authority, with no change, over issues pertaining to home school students and private schools.

An interim joint subcommittee of the House and Senate Education Committees was created to review, in collaboration with the SBE, school directors, administrators, educators, parents and others, the remaining duties of the SBE, and to report back to the Legislature. The subcommittee's proposed recommendations take the form of four general actions:

- 1) Retain selected duties of the SBE with the new Board;
- 2) Assign two new duties to the SBE;
- 3) Transfer selected duties of the SBE to other state agencies, primarily but not exclusively to the Office of the Superintendent of Public Instruction (OSPI); and
- 4) Repeal selected duties of the SBE.

**Summary of Second Substitute Bill:** The majority of the recommendations of the joint subcommittee are contained in the proposed substitute.

The broad general authority of the SBE to adopt rules is removed. The SBE is directed to study the transfer of duties made in this act and to request any duty be returned to the SBE if it is determined that the duty is necessary for the SBE to accomplish the purpose assigned to the SBE. The purpose of the SBE is amended. The SBE must examine the statutory authority, rules, and jurisdiction between the K-12 and post secondary education systems regarding the general educational development test and adult education and make recommendations to the Legislature. Additionally, the SBE must appoint the new schools' facilities citizen advisory panel, which will advise the Superintendent on Public Instruction on issues pertaining to school facilities and funding for school construction.

The authority to make rules regarding course requirements authority, special programs, school construction (with advise from the SBE appointed citizen advisory panel), basic education compliance, school district boundaries, and other education services is transferred to the OSPI. Appeals from the decisions of the OSPI on school district boundaries may be appealed using the Administrative Procedure Act. The state oversight of the Washington Interscholastic Activities Association is transferred to the OSPI. The authority to adopt rules on the due process requirements for excluding students who lack proof of immunization from school is transferred to the State Board of Health. School districts are directed to adopt a policy regarding a teacher's presence before and after school and make the policy available to parents and the public.

The authority of the SBE to adjust the boundaries of the Educational Service Districts is repealed. The SBE is removed from required consultation with various groups. Additionally, several statutes are amended to align the transfers of the SBE duties made last year and this year.

The steering committee of Washington Learns is encouraged to carefully examine whether the use of inputs is the most efficient and effective funding system that is oriented toward student achievement and whether any changes can be created to implement the intent of education reform: that all children can learn.

**Second Substitute Bill Compared to Substitute Bill:** Technical changes are made to match the responsibilities and activities that are transferred.

**Substitute Bill Compared to Original Bill:** The bill as referred to committee was not considered. The original bill repealed the statutes establishing SBE oversight over the program requirements of the Basic Education Act (such as instructional hours and the 180-day school year) with a delayed effective date of September 1, 2007. The substitute does not repeal the statutes but does strongly encourage the steering committee of Washington Learns to carefully examine whether the use of inputs is the most efficient and effective funding system that is oriented toward student achievement and whether any changes can be created to implement the intent of education reform: that all children can learn. The oversight of the Washington Interscholastic Activities Association is transferred to the OSPI. The new SBE is encouraged to review the transfer of duties and to request any duty be returned to the SBE if it is necessary to accomplish the purpose of the SBE. The SBE is encouraged to make such a request by January 15, 2007.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** During the interim, a joint subcommittee of the House and Senate Education Committees worked on how to address the remaining duties of the State Board of Education after the teacher certification and teacher prep programs were transferred to the PESB. The vision for the newly reconstituted State Board is to focus on education reform, standards, assessments, and resources. In order to give the new SBE time to accomplish its new duties, most of the former duties are transferred to OSPI. Originally, the subcommittee was very bold and wanted to remind people that under education reform the standards are constant but the time is variable so we originally planned to repeal the BEA input requirements in 2009 but now are asking WA Learns to look carefully at this, which seems appropriate and supported. The subcommittee heard testimony this summer that the WIAA has a board of its membership that directs its activities and very few states provide additional state oversight, which is why the state oversight was removed.

**Testimony Against:** The new board has yet to be formed or meet so the members cannot weigh in on this bill. Some of the things that don't impact a student's opportunity to learn or are not essential to student achievement have been repealed or transferred, which is a good

thing. But too many of these duties are essential to student learning and the Legislature should table this discussion and not further erode the duties of the SBE. Let the new board members look at each of these duties, such as accreditation, school construction, and the BEA requirements that are essential to school accountability and to students and staff to see which ones the new members believe should be retained or transferred. The new SBE will be able to move quickly. More boards and agencies doing pieces of the puzzle is not helping the murky governance.

**Testimony Other:** This is a big change. Some people are generally supportive but grave concerns are raised about the bill. Some believe the focus of the new SBE is too narrow or that transferring most of the duties goes too far too fast. Not having the teacher certification and teacher prep program authority should allow the new SBE to have time to work on the other things. Taking away the oversight of WIAA is a concern. WIAA doesn't understand the large impact that the interscholastic activities has on academics and the bottom line of school districts. There should be an elected official that has at least fiscal oversight of the WIAA. The work on the standardized transcripts and course of study consultation should include school superintendents, principals, and teachers. We need to be careful that things stay connected while moving duties around. It is critical that the main focus of the board be student learning, but it is important that the OSPI not have to develop new processes to do the same duties. The transfer of so many duties to OSPI raises some concern.

**Who Testified:** PRO: Senator Rosemary McAuliffe, prime sponsor.

CON: Linda Lamb, citizen.

OTHER: Dr. Terry Bergeson, Superintendent of Public Instruction; Lucinda Young, Washington Education Association; Don Rash, Association of Washington School Principals; Dan Steele, Washington State School Directors Association; Norm Wisner, Association of Educational Service Districts.

Signed in, Unable to Testify & Submitted Written Testimony: Larry Davis, State Board of Education.